

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

JERMAINE MARTEZ HILL,

Plaintiff,

v.

SHANE GEORGE, *et al.*,

Defendants.

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Case No. 4:23-cv-33

Judge Atchley

Magistrate Judge Steger

ORDER

On September 4, 2024, United States Magistrate Judge Christopher H. Steger filed a Report and Recommendation [Doc. 15] pursuant to 28 U.S.C. § 636 and the Rules of this Court. Magistrate Judge Steger screened the Complaint pursuant to 28 U.S.C. § 1915 and recommends that Plaintiff's claims against the Bedford County Sheriff's Department be dismissed with prejudice and that his Fourth Amendment unreasonable search claims be dismissed without prejudice. [Doc. 15 at 8]. Further, because the Court lacks information regarding the status of any charges brought against Plaintiff, Magistrate Judge Steger recommends that Plaintiff be given 21 days from the entry of this Order to advise the Court, via a declaration signed under penalty of perjury, as to the current state of any charges brought against him "as a result of the drugs and gun found at 504 Shoma Drive, Shelbyville, Tennessee, on August 11, 2023." [*Id.* at 7–8]. Once Plaintiff provides the necessary information, the Court can determine whether Plaintiff's Fourth Amendment false arrest claim is barred by the Supreme Court's decision in *Heck v. Humphrey*, 512 U.S. 477 (1994). [*Id.*].

Plaintiff has not filed an objection to the Report and Recommendation, and the time to do so has now passed.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Steger's conclusions. Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's findings of fact and conclusions of law as set forth in the Amended Report and Recommendation. [Doc. 15]. The Court's rulings are summarized below:

- Plaintiff's claims against the Bedford County Sheriff's Department are **DISMISSED WITH PREJUDICE**.
- Plaintiff's claims for an unreasonable search in violation of the Fourth Amendment are **DISMISSED WITHOUT PREJUDICE**.
- Within **21 days** of entry of this Order, Plaintiff is **ORDERED** to notify the Court as to the status of the charges brought against him arising from the drugs and gun found at 504 Shoma Drive, Shelbyville, Tennessee, on August 11, 2023. Specifically, Plaintiff shall inform the Court whether the charges, if any, are pending, have been dismissed, or whether he has been convicted, including by entering a guilty plea. Plaintiff shall verify his update in writing with the following declaration: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)."
- Plaintiff is placed **ON NOTICE** that if he fails to provide the update required by this Order, the Court may dismiss his false arrest claim with prejudice for failure to prosecute.

¹ Magistrate Judge Steger advised Plaintiff that he had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 15 at 8 n.5]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE